

**AUTUMN RIVER CORPORATION**

\*

**BEFORE THE**

**Petitioner**

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**PLANNING BOARD OF**

**PLANNING BOARD CASE NO. 393**

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**HOWARD COUNTY, MD**

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### **DECISION AND ORDER**

On June 7, 2012, the Planning Board of Howard County, Maryland, in accordance with Section 107.E. of the Howard County Zoning Regulations, opened a public hearing to consider the petition of Autumn River Corporation, for approval of a Preliminary Equivalent Sketch Plan, (SP-12-001), for the subdivision of 9 single-family attached (SFA) residential lots and 1 open space lot on approximately 3.93 acres of land zoned R-ED (Residential Environmental Development). The subject property is located on the north side of College Avenue, west of Village Crest Drive, on Tax Map No. 25, Grid Nos. 14 and 21, Parcel No. 159 and part of Parcels Nos. 172, and 279 in the Second Election District of Howard County, Maryland.

The Notice of the Hearing was published and the subject property was posted in accordance with the Planning Board's requirements, as evidenced by certificates of publication and posting, all of which were made part of the record in this case. Pursuant to the Planning Board's Rules of Procedure, all of the reports and official documents pertaining to the Petition, including the petition, the Technical Staff Report of the Department of Planning and Zoning, the Howard County Code, the Howard County Design Manual, the 2000 General Plan of Howard County, Howard County Zoning Map, Howard County Zoning Regulations, Howard County Subdivision and Land Development Regulations including the Forest Conservation Regulations and Manual, the Howard County Landscape Manual, the Adequate Public Facilities Ordinance and the subdivision plan and the comments from the Subdivision Review Committee agencies were made part of the record in this case.

### **PLANNING BOARD HEARING**

The Chairperson opened the public hearing at 7:25 p.m. Brenda Luber of the Department of Planning and Zoning (DPZ) presented the Technical Staff Report, which recommended approval of the Preliminary Equivalent Sketch Plan subject to compliance with all Subdivision Review Committee (SRC) comments previously issued for SP-12-001 to the developer by letter dated February 12, 2012.

### **PETITIONER'S TESTIMONY**

The Petitioner was represented by Mr. Robert H. Vogel, professional engineer for Robert H. Vogel Engineering, Incorporated, the petitioner's plan consultant. Mr. Vogel acknowledged agreement with the DPZ staff report recommendation. He testified that the traffic circle was under construction and that stormwater management for the SFA lots would be provided by using micro bioretention facilities and rooftop disconnects. Mr. Vogel confirmed that the SFA homes would face College Avenue.

Please note that there were no concerned citizens that testified in opposition to this case.

Mr. Grabowski closed the hearing at approximately 7:30 p.m. and the Board proceeded to deliberate and vote on the case in open session. The Planning Board members in attendance motioned for a vote in this case.

After careful evaluation of all the testimony and information presented at the hearing, the Howard County Planning Board made the following Findings of Fact and Conclusions of Law.

### **FINDINGS OF FACT**

1. The proposed Preliminary Equivalent Sketch Plan, SP-12-001, Autumn River, Phase IV, is for the subdivision of 9 SFA residential lots and 1 open space lot. The total overall density permitted and proposed for the entire project (Phases I thru IV) is 104 lots.

2. This project is subject to compliance with the Howard County Subdivision and Land Development Regulations including the Forest Conservation Regulations and Manual, the Howard County Landscape Manual, the Howard County Zoning Regulations and Zoning Map, the Howard County Design Manual and the Adequate Public Facilities Ordinance.
3. The area of the proposed subdivision plan for Phase IV is approximately 3.93 acres with a total gross site area for all four phases of 69.62 acres. The area of credited open space is approximately 18.25 acres or 68.5 percent of Phases I, II, III and IV of the site.
4. The proposed overall residential development effectively protects, preserves and minimizes disturbance to the environmental resources. The developer proposes open space acreage that is more than the acreage required. The open space, for Autumn River will contain the areas of floodplain, streams, environmental buffers, protected 25 percent or greater steep slopes and will contain forest conservation easements. The environmental resources will be preserved and protected within open space areas that will be dedicated to the Howard County Department of Recreation and Parks. The Phase IV development plan does not propose disturbance within any environmentally sensitive areas and the 0.90 acre open space lot will be dedicated to the Homeowners Association.
5. The total limit of disturbed area for the proposed development including the public and private roads, public utilities, house pad sites for building lots and storm water management facilities will involve approximately 1.09 acres of Phase IV. Phase IV proposed development will not involve disturbances of any protected 25% or greater steep slopes, floodplain, stream or required buffers.
6. The subdivision plan accomplishes protection of environmental and historic resources by the following means:

- a. There are no historic structures or resources on this property;
  - b. By using the clustered residential SFA units to minimize disturbance.
  - c. The proposed houses, driveways, utilities and private and public roads will be located on land that does not contain environmental features.
  - d. By keeping the proposed lots sizes close to the minimum lot size requirements of 1,824 to 5,693 square feet;
  - e. By maximizing the amount of open space with the establishment of more than 68.5 percent open area on-site which exceeds the minimum 50% open space requirement.
7. The proposed subdivision plan design has been determined adequate in taking advantage of the uniqueness of the site's topography by minimizing the limits of clearing and grading necessary to construct houses, the public and private roads, SWM facilities and public utilities.
  8. Setbacks, landscape buffers, or other methods are proposed to buffer the development from existing roads. Compliance with the required 75' setback and providing the required landscape buffer and forest conservation easement will adequately buffer the proposed development from the surrounding neighborhood adjoining College Avenue. The proposed SFA units for Phase IV will face towards College Avenue to avoid backing onto the scenic road.
  9. Sensitive environmental areas will be permanently protected, either by dedication as open space or forest conservation easements. The floodplain, stream and 25 percent or greater steep slopes will be located and protected within open space lots within Phases II and III of the subdivision.
  10. A "Type C" landscaped buffer will be provided along the project's perimeter adjacent to the Patapsco Valley State Park property and along College Avenue.
  11. The proposed development will be served by public water and sewer.

12. The Planning Board accepts the Department of Planning and Zoning's evaluation of the petition as provided in the Technical Staff Report.

**CONCLUSIONS OF LAW**

The proposed Preliminary Equivalent Sketch Plan, SP-12-001, satisfies all of the standards for approval of a Preliminary Equivalent Sketch Plan provided in Section 107.E. of the Howard County Zoning Regulations for the reasons stated in the Department of Planning and Zoning's Technical Staff Report.

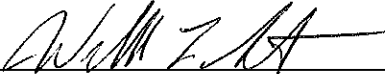
For the foregoing reasons, the petition of Autumn River Corporation for approval of a Preliminary Equivalent Sketch Plan for 9 SFA residential lots and 1 open space lot located on approximately 3.93 acres of land zoned R-ED, is the 21<sup>st</sup> day of June, 2012, APPROVED by the Planning Board of Howard County.

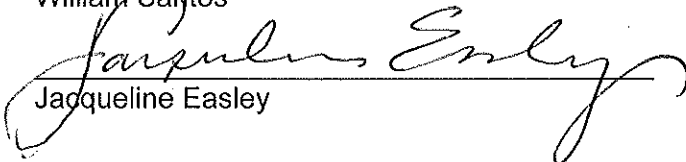
HOWARD COUNTY PLANNING BOARD

  
David Grabowski, Chairperson

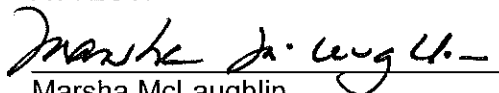
Absent  
Paul Yelder, Vice Chairperson

Absent  
Josh Tzucker

  
William Santos

  
Jacqueline Easley

ATTEST:

  
Marsha McLaughlin  
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:  
HOWARD COUNTY OFFICE OF LAW  
MARGARET ANN NOLAN  
COUNTY SOLICITOR

  
Paul Johnson  
Deputy County Solicitor

**LIST OF APPLICANT'S EXHIBIT**

There were no exhibits.

**LIST OF PROTESTANT'S EXHIBITS**

There were no protestants or exhibits.